

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ONE UNITY INVESTMENT, LLC

Plaintiff,

v.

AXIS SURPLUS INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 4:23-cv-02455

**AXIS SURPLUS INSURANCE COMPANY’S
MOTION FOR EXPEDITED CONSIDERATION OF ITS
MOTION FOR CONTINUANCE (DKT. # 16)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant, AXIS Surplus Insurance Company (“AXIS”), and files this Motion for Expedited Consideration of its Motion for Continuance and respectfully show as follows:

I. MOTION

This is a first-party property insurance case concerning alleged storm damage to Plaintiff’s commercial property. On Monday (April 14th), AXIS filed an opposed Motion for Continuance of the June 9th trial date, which is the first trial setting in this case. (Dkt. #16.) As discussed in the Motion, AXIS requests a continuance because its lead counsel has irreconcilable trial conflicts in multiple multi-week trials from now through the end of June, and there are over 1,200 pages of pending Motions with Exhibits currently pending before the Court in this case.

Regarding AXIS’s counsel’s unavailability for trial in June, if the Court were to deny the continuance, AXIS would need to make costly arrangements with other counsel accordingly. So, an expedited consideration would allow AXIS to avoid such costs now until the Court rules.

However, the normal briefing timetable would get so close to trial that AXIS may be forced to incur such costs in the interim (even if the Court ultimately grants the Motion).

Further, under the normal Response and Reply deadlines, the Motion would not be fully briefed for the Court's consideration until mid-May. Before AXIS's Reply would be due, the current Scheduling Order requires the parties to begin exchanging Joint Pretrial Order drafts, but as discussed in the Motion, there are several case shaping and/or case eliminating legal issues now before the Court that will greatly impact the parties' trial preparation, attendance of particular witnesses, the relevance of the trial exhibits, and the presentation of the case to the jury. The Court's rulings on all of these issues will significantly expand or eliminate several distinct areas of the case, which will in turn impact the necessary (or unnecessary) witnesses and the relevance (or irrelevance) of numerous exhibits, which will inform what goes into (or does not go into) the Joint Pretrial Order.

Therefore, expedited review of AXIS' Motion for Continuance would significantly enhance the efficiency of the parties' trial preparations and utilization of the Court's resources.

II. CONCLUSION

Accordingly, AXIS respectfully requests that the Court expedite consideration of AXIS's Motion for Continuance of the current June 9, 2025 trial setting (Dkt #13), and grant AXIS any and all further relief to which it is entitled at law or equity.

Respectfully submitted,

SHACKELFORD, MCKINLEY & NORTON, LLP

By: /s/ Bruce R. Wilkin

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ATTORNEYS FOR DEFENDANT
AXIS SURPLUS INSURANCE COMPANY

CERTIFICATE OF CONFERENCE

I hereby certify that I asked opposing counsel if they would agree to expedited consideration of AXIS's Motion for Continuance, and he responded with: "After our response is due and received you can ask for it to be expedited. But I have things going on and will not agree that I do not have time to prepare my response." Obviously, waiting for Plaintiff's Response under the normal timetables would defeat the relief sought here. So, this Motion is OPPOSED.

/s/ Bruce R. Wilkin

Bruce R. Wilkin

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via CM/ECF e-service on April 16, 2025.

/s/ Bruce R. Wilkin

Bruce R. Wilkin